

014 74-0976

Administrative - Internal Use Only

6 MAY 1974

STATINTL □

MEMORANDUM FOR: [REDACTED]

SUBJECT: S. 3393

1. The Act would seem to be a strong attempt at usurpation of Executive Branch Authority by the Legislative Branch. The major new provision of the Act, as opposed to E.O. 11652, is the establishment of a powerful watchdog in the Congress, called the Joint Committee in the Act. The present watchdog is the ICRC.

2. To compare our present status with the proposals of the Act, we should first look at the Register of all information designated as secret from public disclosure. Our current program was devised from the EGIS system used by CRS and includes only finished intelligence. There is a question as to whether we might be able to exempt Agency documents from this Register entirely or at least hold to the present line of the finished product only. The Act is open to interpretation.

3. If we give a literal interpretation to the Act, it would appear that every document, cable, memorandum, etc. to which we give a national defense security classification would be listed in the Register. The real danger, as we see it, is the possibility that any document listed may be surfaced and asked for by the Congress and the public. Under terms of the Act, the Joint Committee will have the authority to review any document in the Register, to ensure compliance with the Act and the proper designation of secret information. The Committee will have the further authority to remove documents from the Register and thus open them to the public.

4. The Act provides for the aggregate entry in the Register by category rather than by individual title, but again the Joint Committee has the authority to require modification of this procedure. The use of a code system rather than the names of original classifiers is also at the discretion of the Committee. The Committee may direct the removal of entries originated ten years or more prior to the Act. In effect the Committee will be the judge as to what information is classified.

5. We do not, at present, have the capability to produce all of the information required for this Register. This Act would be extremely costly in manpower. We would first have four years in which to register

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all documents predating the Act that we wanted to protect (consider secret). This would bring about an immediate mandatory review of classified information. Under the terms of the present E.O. information may remain classified for 30 years before a review is required. E.O. 11652 and the NSC Directive contain the same major provisions as the Act with far more reasonable provisions for compliance.

6. We still overclassify information and over exempt from automatic declassification, but this is a matter of education. We are reviewing material 30 years old for declassification which will be a continuing program. Nevertheless, we must protect sensitive operational information. The Act, as written, invites disaster.

STATINTL



Chief, Information Services Group

ROUTING AND RECORD SHEET

SUBJECT: (Optional)
S. 3393

FROM: OLC
7D35

EXTENSION

6136

NO.

DATE

1 May 1974

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

C/S G

3 MAY 1974

[checkmark]

Senators Edmund S. Muskie (D., Me.) and Jacob K. Javits (R., N. Y.) have introduced a bill, S. 3393, "Government Secrecy Control Act of 1974," which establishes a Joint Committee on Government Secrecy in Congress and a Registrar of National Defense and Foreign Policy Information in the Executive Office of the President.

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The Joint Committee would oversee classification practices as they affect the Congress. In addition it can order public disclosure of any classified information. The Registrar will oversee classification in the Executive and assumes the responsibilities of the present Interagency Review Committee established under E. O. 11652, which would be abolished. The bill also establishes procedures for the automatic declassification of information.

It is suggested that you initiate a review of the bill (excerpt from Record attached) since we will undoubtedly be called upon to submit comments.

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